THE HON'BLE SRIJUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.9534 of 1998

Dated 16.03.2007

Between:

Smt.P.Lakshmamma W/o late P.Chinna Narasimha Reddy

... **PETITIONER**

And:

The Secretary to Government of A.P.,
Revenue (ASSn IV), Department,
Secretariat, Hyderabad and others.

... RESPONDENTS

THE HON'BLE SRIJUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.9534 of 1998

ORDER:

This writ petition is filed questioning the order dated 06.01.1998 passed by the first respondent, whereby, the first respondent, while disposing of the revision preferred by the petitioner against the order of the second respondent dated 25.04.1991, vacated the interim stay granted in favour of the petitioner.

It is the case of the petitioner that the then Tahilsdar, Anantapur, assigned an extent of Acs.5.00 of land in Sy.No.97.2 of Krishnamareddipalli village H/o Kandukur village of Anantapur District, in favour of her husband by name Peravali Chinna Narasimha Reddy, during the year 1955. Subsequently, based on the petitions of the villagers of Krishnamareddipalli, alleging that the assignment granted in favour of their villagers are illegal, the third respondent directed the fourth respondent, to conduct an enquiry, who in turn submitted a

report stating that the husband of the petitioner got Acs.9.31 cents of patta land prior to the present assignment, and as such the assignment is illegal. In that regard, the husband of the petitioner was called upon to explain as to why the patta granted in his favour shall not be cancelled, upon which, the husband of the petitioner submitted a detailed explanation. However, basing on the report of the fourth respondent, the third respondent cancelled the assignment granted in favour of the petitioner's husband by his order, dated 17.04.1989, without considering his explanation. Aggrieved by the same, the husband of the petitioner preferred an appeal before the second respondent. But during the pendency of the said appeal the husband of the petitioner died, and the petitioner came on record. Subsequently, the second respondent also dismissed the said appeal on 25.04.1991, confirming the order of cancellation. Questioning the same, the petitioner preferred a revision before the first respondent along with a petition seeking stay of the operation of the order of the second respondent. The first respondent granted stay on 25.04.1991, however, subsequently, vacated the said stay and also disposed of the revision on 06.01.1998, without assigning any reasons. Hence, this writ petition.

A detailed counter is filed on behalf of the respondents stating that the petitioner's husband was having Acs.9.31 cents at the time of assignment, and as such he was not a landless poor person, and therefore, not entitled to any assignment. Hence, respondents 2 and 3 rightly rejected the case of the petitioner.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Apparently, no reasons are assigned by the revisional authority, in the impugned dated 06.01.1998, for vacating the stay and disposing of the revision preferred by the petitioner. Even the said order does not

say as to whether the petitioner was heard or not. Hence, this Court is of the view that the said order is liable to be set aside.

Accordingly, the writ petition is allowed and the order dated 06.01.1998 passed by the first respondent is hereby set aside. The matter is remanded back to the first respondent for disposal in accordance with law, after affording sufficient opportunity to the petitioner. It is needless to direct the respondents not to dispossess the petitioner from the land in question till the disposal of the revision.

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16.03.2007

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